



6-21-05

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PTO/SB/21 (02-04)

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/679,668
	Filing Date	October 6, 2003
	First Named Inventor	Bazin et al.
	Art Unit	1642
	Examiner Name	Unassigned
Total Number of Pages in This Submission	Attorney Docket Number	006401.00415

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Form PTO/SB/08A (4 pages), 26 References, Certificate of Express mailing, return postcard.				
<table border="1"><tr><td>Remarks</td><td>The Commissioner is hereby authorized to charge fees indicated to deposit account number 19-0733.</td></tr><tr><td colspan="2">Express Mail No. EL 995822065 US</td></tr></table>			Remarks	The Commissioner is hereby authorized to charge fees indicated to deposit account number 19-0733.	Express Mail No. EL 995822065 US	
Remarks	The Commissioner is hereby authorized to charge fees indicated to deposit account number 19-0733.					
Express Mail No. EL 995822065 US						

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

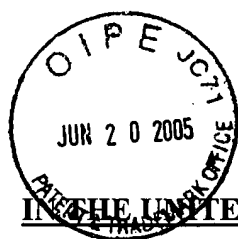
Firm or Individual name	Jeffrey M. Cox; Reg. No. 50,695
Signature	
Date	June 20, 2005

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name			
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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

(Attorney Docket No. 006401.00415)

In re U.S. Patent Application of)
Bazin et al.)
)
Application No.: 10/679,668)
) Group Art Unit: 1642
Filed: October 6, 2003)
) Examiner: TBA
For: ENZYMATICALLY MODIFIED)
HYDROPHOBIC STARCH) Confirmation No. 4079
)
)

INFORMATION DISCLOSURE STATEMENT

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Pursuant to 37 CFR §§1.56, 1.97 and 1.98, enclosed is Form PTO/SB/08A (substitute for form PTO-1449/A/PTO), submitted for consideration by the Examiner in the examination of the above-identified patent application.

The full consideration of the references cited in the enclosed form in their entirety by the Examiner is respectfully requested and encouraged. Also, it is respectfully requested that the references be entered into the record of the present application and that the Examiner place his or her initials in the appropriate area on the enclosed Form PTO/SB/08A, thereby indicating the Examiner's consideration of each of the references.

The submission of the references listed on the Form PTO/SB/08A is for the purpose of providing a complete record and is not a concession that the references listed thereon are prior art to the invention claimed in the patent application. The right is expressly reserved to establish an invention date earlier than the above-identified filing date in order to remove any reference submitted herewith as prior art should it be deemed appropriate to do so.

Further, the submission of the references is not to be taken as a concession that any reference represents art that is relevant or analogous to the claimed invention. Accordingly, the right to argue that any reference is not properly within the scope of prior art relevant to an examination of the claims in the above-identified application is also expressly reserved.

The Information Disclosure Statement is being filed:

- ☒ **within** any one of the following time periods: (a) within three months of the filing date of a national application other than a continued prosecution application under 37 CFR §1.53(d); (b) within three months of the date of entry of the national stage as set forth in 37 CFR §1.491 of an international application; (c) before the mailing date of a first Office Action on the merits; or (d) before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR §1.114.
- ☐ **after** (a), (b), (c) or (d) above, but before the mailing date of a final action under 37 CFR §1.113, a Notice of Allowance under 37 CFR §1.311, or an action that otherwise closes prosecution in the application, and includes *one* of:
- ☐ The statement under 37 CFR §1.97(e) (see “statement under 37 CFR §1.97(e)” below).
- or*
- ☐ the fee of \$180 set forth in 37 CFR §1.17(p) (see “Fees” below).
- ☐ **after** the mailing date of a final action under 37 CFR §1.113 or a Notice of Allowance under 37 CFR §1.311, or an action that otherwise closes prosecution in the application, and on or before payment of the issue fee, and includes the Statement under 37 CFR §1.97(e) (see “Statement under 37 CFR §1.97(e)” below), and the fee of \$180 as set forth in 37 CFR §1.17(p) (see “Fees” below).
- ☐ **after** the mailing date of a Notice of Allowance under 37 CFR §1.311, and on or before payment of the issue fee, and **within** thirty days of receiving each item of information contained in the Information Disclosure Statement, and includes the Statement under 37 CFR §1.704(d) (see “Statement under 37 CFR §1.704(d)” below), and the fee of \$180 as set forth in 37 CFR §1.17(p) (see “Fees” below).

Copies of the References

- ☒ Copies of the references listed on the enclosed Form 1449 are enclosed herewith. Attached to each reference not in the English language is a concise explanation of the relevance pursuant to 37 CFR §1.98(a)(3).
- ☐ A copy of the foreign search report is enclosed herewith.
- ☐ The references listed on the enclosed Form 1449 were previously identified in the parent application(s) of the present application, and copies of the references were furnished at that time. Accordingly, additional copies of the references are not submitted herewith, so as not to burden the file with duplicate copies of references. The Examiner is respectfully requested to carefully review the

references in accordance with the requirements set out in the Manual of Patent Examining Procedure. In accordance with 37 CFR §1.98(d), the details of the parent application(s) relied upon for an earlier filing date under 35 USC §120 in which copies of the references were previously furnished are set out below:

Statement under 37 CFR §1.97(e)

_____ The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign patent application not more than three months prior to the filing of the Information Disclosure Statement.

_____ The **undersigned** hereby states that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

Statement under 37 CFR §1.704(d)

_____ The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR §1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

Fees

 X No fee is owed by the applicant(s).
_____ The **IDS Fee of \$180** under 37 CFR §1.17(p) is enclosed herewith.

Method of Payment of Fees

_____ Attached is a check in the amount\$
_____ Charge Deposit Account No. 19-0733 in the amount of \$180

Authorization to Charge Additional Fees

 X If any additional fees are owed in connection with this communication, please charge Deposit Account No. 19-0733. (A duplicate copy of this communication is enclosed for that purpose.)

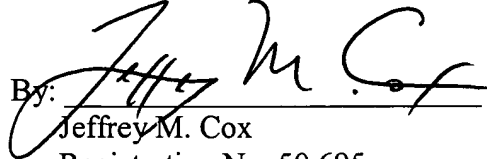
Instructions as to Overpayment

 X Credit Account No. 19-0733.

_____ Refund

Date: June 20, 2005

Respectfully submitted,

By: 

Jeffrey M. Cox

Registration No. 50,695

Banner & Witcoff, Ltd

10 S. Wacker Drive

Suite 3000

Chicago, Illinois 60606

Tel: (312) 463-5000

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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

JUN 20 2005

(use as many sheets as necessary)

Sheet

1

of

4

Complete if Known

Application Number	10/679,668
Filing Date	October 6, 2003
First Named Inventor	Bazin et al.
Group Art Unit	1642
Examiner Name	TBA
Attorney Docket Number	006401.00415

U.S. PATENT DOCUMENTS

Examiner Initials *	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
		US-			
		US-			
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FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				
	1.	JP, 02119789	05/07/1990	Towa Kasei Kogyo Co., Ltd.		
	2.	JP, 03228688	10/09/1991	Towa Kasei Kogyo Co., Ltd.		
	3.	JP, 04158795	06/01/1992	Towa Kasei Kogyo Co., Ltd.		
	4.	JP, 05219977	08/31/1993	Kojin Kk		
	5.	JP, 51070833	06/18/1976	Hayashibara Biochemical Laboratories, Inc.		
	6.	JP, 53118532	10/17/1978	Nippon Shiro Kogyo Co., Ltd.		
	7.	JP, 60186296	09/21/1985	Agency of Industrial sciences and Technology		
	8.	JP, 61104794	05/23/1986	Kohjin Co., Ltd.		
	9.	JP, 51101141	09/07/1976	Tokai Togyo Co., Ltd.		

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04.

³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 2 of 4

Complete if Known

Application Number	10/679,668
Filing Date	October 6, 2003
First Named Inventor	Bazin et al.
Group Art Unit	1642
Examiner Name	TBA
Attorney Docket Number	006401.00415

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		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				
	10.	EP, 0242913	10/28/1987	Cooperatieve Verkoop - en Productievereniging van Aardappelmeel en Derivaten 'AVEBE' B.A.		
	11.	EP, 0332027	09/13/1989	National Starch and Chemical Corporation		
	12.	EP, 1016728	07/05/2000	Roquette Freres		
	13.	EP, 294093	12/07/1988	Hayashibara Biochemical Laboratories, Inc.		
	14.	FR, 1569499	05/30/1969	Hayashibara Co., Ltd.		
	15.	FR, 2012831	03/27/1970	Hayashibara Co., Ltd.		
	16.	FR, 2510581	02/04/1983	Hayashibara Biochemical Laboratories, Inc.		
	17.	JP, 04271793	09/28/1992	Nippon Shokuhin Kako Co. Ltd.		
	18.	JP, 5257344	May 11, 1977	Japan Maize Products Co., Ltd.		

Examiner
SignatureDate
Considered

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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 3 of 4

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Application Number	10/679,668
Filing Date	October 6, 2003
First Named Inventor	Bazin et al.
Group Art Unit	1642
Examiner Name	TBA
Attorney Docket Number	006401.00415

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		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				
	19.	JP, 527486	01/20/1977	Agency of Industrial Sciences and Technology		
	20.	JP, 5198346	08/30/1976	Ajunomoto Co., Inc.		
	21.	JP, 02092296	04/03/1990	Towa Kasei Kogyo Co., Ltd.		
	22.	JP, 527487	01/20/1977	Agency of Industrial Sciences and Technology		
	23.	HU, 182403	03/28/1983	Bezeczky, Gyula et al.		
	24.	DE, 1958014	03/30/1967	Hayashibara Co., Ltd.		

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STATEMENT BY APPLICANT**

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Sheet 4 of 4

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Application Number	10/679,668
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First Named Inventor	Bazin et al.
Group Art Unit	1642
Examiner Name	TBA
Attorney Docket Number	006401.00415

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	25.	MARUO et al., A Novel and Efficient Method for Enzymatic Synthesis of High Purity Maltose Using Moranoline (1-Deoxynojirimycin), Chem. Lab. 56(9) (1992) 1406-1409.	
	26.	NEHETE et al., An Optimized Protocol for the Production of High Purity Maltose, World Journal of Microbiology and Biotechnology. 8(4) (1992) 446-450.	

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CERTIFICATE OF EXPRESS MAIL
(PATENT)

Attorney Docket No. 006401.00415
Confirmation No. 4079

Express Mail No. EL 995822065 US
Deposited June 20, 2005

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By: Rafael Perez
(person actually depositing)

Bazin et. al., U.S. Patent Application No. 10/679,668 for "ENZYMATICALLY MODIFIED HYDROPHOBIC STARCH"

Transmittal Form
Form PTO/SB/08a, 4 pages
Information Disclosure Statement, 4 pages
26 References
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